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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR No. 03-07-70344 BZ  
Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
v. ) EXTENDING THE TIME LIMIT FOR THE  
JOHN DOE aka VADINHO aka ) PRELIMINARY HEARING AND  
GERARDO GUILLERMO RUIZ- ) EXCLUDING TIME  
SANCHEZ, )  
Defendant. \_\_\_\_\_ )

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the August 14, 2007 calendar and be continued until August 23, 2007 and that time should be excluded from the Speedy Trial Act calculations from August 14, 2007 through August 23, 2007 for effective preparation of counsel. The Government has and is continuing to provide discovery to the defendant. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a

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1 preliminary hearing within 10 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties  
2 represent that granting this continuance is necessary for effective preparation of counsel to permit  
3 defense counsel to review discovery, taking into account the exercise of due diligence. See 18  
4 U.S.C. § 3161(h)(8)(B)(iv).

5 IT IS SO STIPULATED.

6 SCOTT N. SCHOOLS  
7 United States Attorney

8 DATED: August 8, 2007

9 /s/  
10 DENISE MARIE BARTON  
11 Assistant United States Attorney

12 DATED: August 8, 2007

13 /s/  
14 GEORGE BOISSEAU  
15 Attorney for JOHN DOE aka VADINHO  
16 aka GERARDO GUILLERMO RUIZ-  
17 SANCHEZ

18 **IT IS SO ORDERED.**

19 The Preliminary Hearing shall be removed from the August 14, 2007 calendar and be  
20 continued until August 23, 2007. For the reasons stated above, the Court finds that the ends of  
21 justice served by the continuance outweigh the best interests of the public and the defendant in a  
22 speedy trial and that time should be excluded from the Speedy Trial Act calculations from  
23 August 14, 2007 through August 23, 2007 for effective preparation of counsel. See 18 U.S.C.  
24 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
25 effective preparation of counsel, taking into account the exercise of due diligence, and would  
26 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

27 DATED: \_\_\_\_\_

28 Honorable Joseph C. Spero  
United States Magistrate Judge

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30 HEARING AND EXCLUDING TIME - CR 03-07-70344 BZ